IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.973 OF 2007

Ravi Rajkumar Khanna, .. Petitioner
Vs
The State of Maharashtra
and ors. .. Respondents

Mr H.K.Prem, for the petitioner.
Mr A.S.Gadkari, APP for the respondent-State.
Mr A.S.Saluja, for respondent no.3.

CORAM : SMT.RANJANA DESAI & D.B.BHOSALE,JJ.
DATED : 25th JUNE, 2007

P.C.:

1. We have heard the learned counsel for the petitioner, the learned APP for the respondent-State and the learned counsel for respondent no.3.

2. The learned counsel for the third respondent states that the third respondent has taken symbolic possession of the secured assets. In view of this, Mr Prem, learned counsel for the petitioner, states that in the light of the judgment of this Court in **M/s Trade Well Vs. Indian Bank and Anr (2007(1)BCR (Cri) 783**) the petitioner shall file an appropriate application under section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short, "NPA Act") to the Debt Recovery Tribunal (DRT). His statement is accepted.

3. The learned counsel for the petitioner states that Shri Leo Damian Fonseca and Mrs Severina R Fonseca are presently in Dubai. Hence, interim relief may be continued for eight weeks to enable the petitioner to file an appeal on their behalf before the DRT. The learned counsel for the third respondent opposes this prayer. In the circumstances of the case, we continue the interim relief for a period of six weeks to enable the petitioner to file appeal before the DRT. We make it clear that we have not expressed any opinion on the merits of the case and the DRT will consider the appeal independently and on merits. Further appropriate orders be obtained from the D.R.T.

4. In view of the above, the petitioner seeks permission to withdraw the petition. The petition is allowed to be withdrawn and is disposed of as such.

(D.B.BHOSALE,J.) (SMT.RANJANA DESAI,J.)